



IDEM
Office of Air Management
Rules Guidance

September 1998

**DEVELOPMENT OF NEW RULES CONCERNING LEAD-BASED PAINT ACTIVITIES
PROGRAM
LSA Document #98-113**

FACT SHEET

Overview

This rulemaking requires persons or contractors who engage in lead-based paint activities to obtain a license from the Department of Environmental Management and requires training course providers to obtain prior approval by meeting specific requirements as outlined within the article and House Enrolled Act 1181.

Citations Affected

Adds: 326 IAC 23.

Affected Persons

Building inspectors, lead paint removal contractors, real estate companies, Indiana Department of Health, building owners, training course providers and contractors, schools, and day care centers may be affected.

Children age six and under especially the 1.7 million children who have been identified to have high blood lead levels will benefit from better lead removal practices. High blood lead levels have been associated with learning disabilities, growth impairment, permanent hearing and visual impairment, and other brain and nervous system damage.

Moderate. This rulemaking lays the groundwork for a new program for Indiana

Potential Cost

to receive funding by the U.S. EPA. It sets fees for individuals who want to be licensed in the state and sets fees for the approval of training course providers who want to offer instruction needed by individuals.

A training course provider will pay annual fees to the department to be approved to offer initial or refresher training courses in one or several disciplines. The training course provider will recover the cost of the fees by charging applicants a fee take the course work and the test needed to obtain a certificate of training.

The costs of health problems caused to children from lead exposure has not been quantified because costs are not necessarily associated with a medical diagnosis or hospitalization.

Description

House Enrolled Act (H.E.A.) 1181, enacted in 1997 by the Indiana General Assembly required IDEM to establish a lead-based paint program to ensure that persons conducting lead-based paint activities in certain target housing and child-occupied facilities do so in a manner that protects the health of the building's occupants, especially children six (6) years of age and younger.

This legislation added IC 13-17-14-5 and required the Air Pollution Control Board to adopt rules to implement Indiana law (H.E.A. 1181). These rules will further ensure compliance with 40 CFR 745 (Lead based paint activities in Target Housing and Child Occupied Facilities (August 29, 1996) and the Toxic Substances Control Act (TSCA), Section 402.

This new article comprises four new rules. Rule 1 has definitions applicable to the article; rule 2 contains procedures for individuals who engage in lead-based paint activities to obtain a license for specific disciplines; rule 3 has procedures for training course providers seeking approval to offer lead-based paint training courses to individuals to become licensed in Indiana; and rule 4 has requirements for work practice standards to conduct lead-based paint activities.

The rule will specify requirements to be met by lead-based paint contractors as to record keeping, work practice standards, and testing requirements and will establish fees for the licensing of individuals and contractors, and the approval of training courses. Lead-based paint activities covered by this rule include the inspection, risk assessment, and abatement of lead-based paint in target housing and child-occupied facilities, including project design and supervision. This rule is one element of IDEM's initiative to protect the health of Indiana children from environmental threats. Exposure to lead-based paint, through chips or dust, is a clear health hazard to children six years of age and younger. This program will help assure that abatement activities are conducted by workers who have proper training and follow work practices that will minimize exposure.

Consistency with Federal Requirements

The new rules are consistent with federal rules and the department will seek federal approval of this new article.

CONSIDERATION OF FACTORS OUTLINED IN INDIANA CODE 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account:

- 1) all existing physical conditions and the character of the area affected;
- 2) past, present, and probably future uses of the area, including the character of the uses of surrounding areas
- 3) zoning classifications;
- 4) the nature of the existing air quality or existing water quality as the case may be;
- 5) technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality; and
- 6) economic reasonableness of measuring or reducing any particular type of pollution.

The board shall also take into account the right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

RECOMMENDATION

It is recommended that the board preliminarily adopt these new rules, as presented.

IDEM Contact

Information regarding this rule can be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Management, (317) 232-8229 and technical program information from David White, Asbestos Section, Office of Air Management, (317) 232-8219. The toll-free number is 1-800-451-6027.

Copies of a guidance document "Managing Lead Paint Waste" can be obtained from the Office of Solid and Hazardous Waste Management at (317) 232-3210.